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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/749,287 | 12/26/2000 | Gene R. Anderson | 1613370-0013 | 5766 |

7470 7590 07/23/2003

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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| EXAMINER |
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PRASAD, CHANDRIKA

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| ART UNIT | PAPER NUMBER |
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2839

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,287

Applicant(s)

ANDERSON ET AL.

Examiner

Chandrika Prasad

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-17,103-107,110-124 and 137 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-17,103-107,110-124 and 137 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16,17. 6) ☐ Other:

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/7/03 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the array of vertical cavity surface emitting lasers, oxide vertical cavity surface emitting laser, MT-type connector and ferrule, human vision, microscope, machine vision, camera, video-image measuring system, touch sensor, high precision arm/stage must be shown or the feature(s) canceled from claims 1, 4-17, 103-107, 110-124, 137. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim R jections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1, 5-12, 14, 16-17 and 137 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldman et al.

Feldman (Figures 1-8) shows a process of aligning and connecting two substrate wafers 10 and 12 comprising the steps of positioning one wafer close to the other, applying a non-opaque UV-curable adhesive on the wafers, aligning the two wafers together, attaching the wafers together and curing the adhesive for connecting the two wafers wherein the wafers contain such elements as vertical cavity surface emitting lasers, detectors, and other optical devices as optical fibers, mirrors, microelectronic modules, etc which may include lensets and diffractive optical elements. Inherently, the optical fibers are held in a ferrule.

6. Claim 103, 105, 107, 111, 113, 118, 119, 121 and 123-124 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (AAPA).

AAPA (Page 2, lines 8-16) shows a process of aligning and connecting an optical fiber to an opto-electronic device comprising the steps of positioning an optical fiber with a target (photo-detector) at one end and the other end of the fiber placed close to a vertical cavity surface emitting laser, turning the laser on to illuminate the fiber,

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changing the relative position of the fiber and the detector relative to the laser for alignment. Inherently, the optical fibers are held in a ferrule.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4, 13, 15, 104, 106, 110, 112, 114-117, 120 and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al.

Feldman shows all the features of these claims as described in Paragraph 4 above except an oxide vertical cavity surface emitting laser, MT-type connector and ferrule, human vision, machine vision, microscope, camera, video-image measuring system, touch sensor, precision arm/stage, etc. The instant invention does not provide any reasons or specific problem to be solved by these features. These features are well known and common knowledge. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to use these features because this are well known and widely used in the art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chino et al. shows an oxide vertical cavity surface emitting laser.

Contact Information

9. Any correspondence to this action may be mailed to:

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**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (receptionist)

2201 South Clark Place, Arlington, Virginia

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (703) 308-0977.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at (703) 308-2710. The fax number for this Group is (703) 872-9318 (general) and (703) 872-9319 for after-final.

Any inquiry of a general nature should be directed to the Group receptionist at (703) 308-1782.



Chandrika Prasad
Patent Examiner
July 17, 2003